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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,842	02/04/2004	Haruo Tanaka	10233.104USD2	5983
23552	7590	09/20/2005		
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903				
EXAMINER MONDT, JOHANNES P				
ART UNIT 2826				
PAPER NUMBER				
DATE MAILED: 09/20/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/772,842

Applicant(s)

TANAKA ET AL.

Examiner

Johannes P. Mondt

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/4/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-14, 16-102, 104, 105, 107, 108 and 110-121 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 7-14, 16-102, 104, 105, 107, 108 and 110-121 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

This application contains claims directed to the following patentably distinct species of the claimed invention:

Species 1 (surface light-emitting device including a luminescent layer and electrode according to preamble, with a shielding layer ([0035]; Figure 7 and [0166]) in a shape substantially corresponding to a pattern of interference fringes of a hologram outside said luminescent layer);

Species 2 (surface light-emitting device including a luminescent layer and electrode according to preamble, wherein an uneven transparent layer formed unevenly in thickness corresponding to a pattern of interference fringes is disposed outside said luminescent layer) ([0039], Figures 8, [0172]);

Species 3 (surface light-emitting device including a luminescent layer and electrode according to preamble, with a hologram formed as light-emission related layer (Figure 9 and [0181]);

Species 4 ((surface light-emitting device including a luminescent layer and electrode according to preamble), wherein light from the luminescent layer is reflected and combined with other light so as to intensify the resulting light) (Figures 10 and [0184]);

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Species 5 (surface light-emitting device including a luminescent layer and electrode according to preamble, wherein light from the luminescent layer is resonated and emitted) (Figures 11-12 and [0191]);

Species 6 (surface light-emitting device including a luminescent layer and electrode according to preamble, wherein the light pattern included in the hologram layer is of a fixed width) (Figure 13 and [0203]);

Species 7 (surface light-emitting device including a luminescent layer and electrode according to preamble, wherein a width of the light pattern of the hologram layer is substantially formed according to a range of a wavelength of the light) (Figures 14 and 15 and [0215] ff.);

Species 8 (surface light-emitting device including a luminescent layer and electrode according to preamble, wherein the hologram is formed using peripheral patterns only) ([0222] and Figure 16);

Species 9 (a surface light-emitting device including a luminescent layer and electrode according to preamble, wherein more than one pattern of interference fringes of a hologram are prepared and light corresponding to one of said patterns is selected for emission) (Fig. 20 and [0292]);

Species 10 (surface light-emitting device including a luminescent layer and electrode according to preamble, wherein brightness of portions corresponding to element regions in a hologram layer in said surface light-emitting device is determined according to patterns in interference fringes in said hologram with said portions

controlled so as to turn into an illumination state that corresponds to said brightness at substantially the same time) (Fig. 23 and [0281]); and

Species 11 (surface light-emitting device including a luminescent layer and electrode according to preamble, wherein the light emitted by the luminescent layer returns through the hologram layer as reflected light) (Fig. 26 and [0346]).

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim appears to be generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over

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the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johannes P. Mondt whose telephone number is 571-272-1919. The examiner can normally be reached on 8:00 - 18:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JPM

September 12, 2005

Patent Examiner:

A handwritten signature in black ink, appearing to read 'J. Mondt', is written over the printed name.

Johannes Mondt (art unit: 2826)